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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188973
Party	Plaintiff Gapardis Health and Beauty, Inc.
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Submission	Answer to Counterclaim
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD  
Consolidated Proceedings**

**Gapardis Health and Beauty, Inc.**

**Opposition No. 91188973**

**v.**

**Gulam Nasser**

**Gulam Nasser**

**Cancellation No. 92052226**

**v.**

**Gapardis Health and Beauty, Inc.**

**OPPOSERS' ANSWER TO COUNTERCLAIM**

Opposers Gapardis Health and Beauty, Inc. ("Gapardis") and Xavier P. Tancogne ("Tancogne") answer the Counterclaim of Respondent Gulam Nasser ("Nasser") filed March 2, 2010, and allowed by order dated September 23, 2010, as follows:

1. It is admitted that Tancogne filed an application with the U.S. Patent and Trademark Office on May 7, 2003, to register the mark FAIR & WHITE HEALTH SECURITY LABO DERMA PARIS (the "Hologram Mark"), based upon first use anywhere and first use in commerce in March 2003, in the following form:



2. It is admitted that Tancogne and his company, Continental Laboratoires Medica ("CLM"), entered into an Exclusive Distribution Agreement, effective April 13,

2000, granting to Gapardis the exclusive right to distribute goods bearing the “Fair & White<sup>TM</sup> Trademark” in the United States, Canada, and the Caribbean Islands.

3. It is admitted that at the time of the effective date of the Exclusive Distribution Agreement, the Hologram Mark was not in use and was not included in the Exclusive Distribution Agreement.

4. It is admitted that on or about March 24, 2010, Tancogne and Gapardis executed a Corrective Assignment of Trademark and Trademark Registration by which Tancogne assigned to Gapardis the Hologram Mark effective, nunc pro tunc, March 22, 2005.

5. It is admitted that Gapardis is the owner of the Hologram Mark and that the Hologram Mark is registered with the U.S. Patent and Trademark Office under Registration Number 2934710.

6. The allegations of the Counterclaim that are not specifically admitted in this Answer are denied.

7. As affirmative defenses, Opposers state:

A. The Counterclaim fails to state a claim for which relief may be granted.

B. Nasser lacks standing to seek cancellation of the registration of the Hologram Mark.

C. The Counterclaim is barred by laches.

Respectfully submitted,

/s/David M. Rogero, Esq./

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer was served upon Respondent's counsel at the addresses below by U.S. Mail on the 13th day of October, 2010:

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